

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF TEMPORARY CHANGE

APPLICATION NUMBER t91-63-02

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MEMORANDUM DECISION

Temporary Change Application Number t91-63-02 was filed by Charles N. Dalton to change the point of diversion and place of use of 0.989 cfs or 100.0 acre-feet of water as evidenced by the lease of a portion of 63-3022. The water has been diverted from the Sevier River at a point North 1320 feet and West 300 feet from the S1/4 Corner of Section 34, T28S, R3W, SLB&M, and used for the irrigation for 33.33 acres of land. It is understood by the State Engineer that Charles Dalton and Nordell Dalton are one and the same person.

Hereafter, 0.989 cfs or 100.0 acre-feet of water is to be diverted from a 16-inch diameter well located at a point North 430 feet and East 20 feet from the SW Corner of Section 36, T30S, R4W, SLB&M, and used same as heretofore. All uses are within the NE1/4 of Section 36, T30S, R4W, SLB&M.

It is the opinion of the State Engineer that this change can be approved.

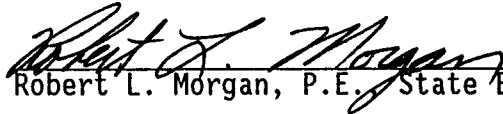
It is, therefore, ORDERED and Temporary Change Application Number t91-63-02 is hereby APPROVED subject to prior rights and the following conditions:

- 1) No more water shall be diverted under this temporary change application than the applicant is entitled to through lease of a portion of 63-3022.
- 2) This change shall be distributed under the direction of the Sevier River Commissioner. The applicant shall coordinate with the river commissioner the month in which this water will be used. The river commissioner will then determine the percent of primary water in the Sevier River. This percentage shall be used to compute the quantity of water available to move under this temporary change application. Any additional costs associated with the distribution of this water shall be borne by the applicant.

This Decision is subject to the provisions of Rule R625-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

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Dated this 10th day of June, 1991.

  
Robert L. Morgan, P.E., State Engineer


RLM:KF:cw:jb

Mailed a copy of the foregoing Memorandum Decision this 10th day of June, 1991,  
to:

Charles N. Dalton  
210 South 100 West  
Circleville, UT 84723

Lee Sim, Directing Distribution Engineer

Ray Owens, Sevier River Water Commissioner  
2165 S Highway 89  
Sevier, UT 84766

By:   
Judy Barbour, Secretary